

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 13-0321.02 Michael Dohr x4347

HOUSE BILL 13-1085

HOUSE SPONSORSHIP

Buck,

SENATE SPONSORSHIP

Renfroe,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CHANGES TO THE CRIMES ELIGIBLE FOR POSSESSION OF**
102 **WEAPONS BY PREVIOUS OFFENDERS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Under current law the crime of possession of weapons by previous offenders applies to all felony convictions. The bill limits the felony application to felonies under the victim's rights act, burglary, arson, or any felony involving the use of force or the use of a deadly weapon.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 18-12-108, **amend**
3 (1), (3), and (6) (c) (I) as follows:

4 **18-12-108. Possession of weapons by previous offenders.** (1) A
5 person commits the crime of possession of a weapon by a previous
6 offender if the person knowingly possesses, uses, or carries upon his or
7 her person a firearm as described in section 18-1-901 (3) (h) or any other
8 weapon that is subject to the provisions of this article subsequent to the
9 person's conviction for a felony OFFENSE DEFINED IN SECTION 24-4.1-302
10 (1), C.R.S., OR FOR BURGLARY, ARSON, OR ANY FELONY INVOLVING THE
11 USE OF FORCE OR THE USE OF A DEADLY WEAPON, or ~~subsequent to the~~
12 ~~person's conviction~~ for attempt or conspiracy to commit SUCH a felony,
13 under Colorado or any other state's law or under federal law.

14 (3) A person commits the crime of possession of a weapon by a
15 previous offender if the person knowingly possesses, uses, or carries upon
16 his or her person a firearm as described in section 18-1-901 (3) (h) or any
17 other weapon that is subject to the provisions of this article subsequent to
18 the person's adjudication for an act which, if committed by an adult,
19 would constitute a felony OFFENSE DEFINED IN SECTION 24-4.1-302 (1),
20 C.R.S., OR FOR BURGLARY, ARSON, OR ANY FELONY INVOLVING THE USE
21 OF FORCE OR THE USE OF A DEADLY WEAPON, or ~~subsequent to the person's~~
22 ~~adjudication~~ for attempt or conspiracy to commit SUCH a felony, under
23 Colorado or any other state's law or under federal law.

24 (6) (c) The written statement shall provide that:

25 (I) (A) A person commits the crime of possession of a weapon by
26 a previous offender in violation of this section if the person knowingly

1 possesses, uses, or carries upon his or her person a firearm as described
2 in section 18-1-901 (3) (h), or any other weapon that is subject to the
3 provisions of this title subsequent to the person's conviction for a felony
4 OFFENSE DEFINED IN SECTION 24-4.1-302 (1), C.R.S., OR FOR BURGLARY,
5 ARSON, OR ANY FELONY INVOLVING THE USE OF FORCE OR THE USE OF A
6 DEADLY WEAPON, or ~~subsequent to the person's conviction~~ for attempt or
7 conspiracy to commit a felony, or subsequent to the person's conviction
8 for a misdemeanor crime of domestic violence as defined in 18 U.S.C.
9 sec. 921 (a) (33) (A), or subsequent to the person's conviction for attempt
10 or conspiracy to commit such misdemeanor crime of domestic violence;
11 and

12 (B) ~~For the purposes of this paragraph (c), "felony" means any~~
13 ~~felony under Colorado law, federal law, or the laws of any other state; and~~

14 **SECTION 2. Effective date - applicability.** This act takes effect
15 July 1, 2013, and applies to offenses committed on or after said date.

16 **SECTION 3. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.